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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,732	03/29/2004	Kevin Girard Conwell	13814	1432
35243	7590	10/03/2008	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			NGUYEN, CAMTU TRAN	
701 FIFTH AVENUE, SUITE 5400				
SEATTLE, WA 98104-7092			ART UNIT	PAPER NUMBER
			3772	
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			10/03/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/811,732	CONWELL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Camtu T. Nguyen	3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 March 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-14,18,19 and 22-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4-14,18,19 and 22-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 March 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |



**DETAILED ACTION**

***Response to Amendment***

This Office Action is responding to applicant's amendment filed on 3/24/2008. Claims 2, 3, 15-17, 20, and 21 have been cancelled. Claims 1, 4-14, 18, and 19 have been amended. Claims 22-24 are newly added claims.

Applicant's response to the objections to the drawings and to the claims and as well as to the 112, 1<sup>st</sup> paragraph rejection, applied in the previous Office Action, are noted and deemed persuasive, thus, such objections & rejection are withdrawn.

Applicant's comments directed to Codos et al reference are noted and deemed persuasive, particularly to the fact that its web does not carry a plurality of discreet labels thereon. Thus, such rejection(s) have been withdrawn.

The claims, as amended, have been carefully considered but they not allowable in view of the following rejections.

***Specification***

The disclosure is objected to because divisional application 10/120,620 is not listed in the CROSS-REFERENCE RELATED APPLICATION section.

Appropriate correction is required.

***Drawings***

The drawings of Figures 1 & 2 were received on 3/4/2008.

The drawing of Figure 2 is objected to because reference numeral (210), according to the specification, refers to the lamp, but Figure 2 illustrates such reference numeral pointing to both the lamp and to the label. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the specification does not disclose the label sensor positioned to sense the labels as the web of backing material travels along the media path.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 recites the limitation "the belt drive" in line 3 & 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 23 & 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, these claims recite the photo sensor control circuit & the label sensor are coupled to but do not recite to where these elements are coupled to.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted element is a sensor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-11, 18-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drescher (U.S. Patent No. 6,394,676) in view of Conwell et al (U.S. Patent No. 6,350,071). Drescher discloses in Figures 1 & 3 a printing apparatus (10) comprising a label stock web (14, Figure 3) carrying a plurality of discreet labels (46) thereon, a take up roll (28) located at proximate end of label stock web path, and a light source (20) from the sensor system (18) directing light onto the label stock web (column 2 lines 41-42). The Dresher reference does not disclose the light source (20) is of an ultraviolet (UV). The Conwell et al discloses a UV curing station for curing the ink (column 2 lines 33-36), which includes a small lamp (column 2 lines 64). Therefore, it would have been obvious to one skilled in the art to utilize the UV light/lamp taught by Conwell et al in the Drescher light source (20) as such UV source would enhance durability & curing before the labels (46) are overlapped by the back of label web (14) in the rolls of labels formed the take up roll (28). With regards to claim 1 reciting the UV light source operable for purposes of curing ink, such recitation is a mere functional recitation and a mere statement of intended use. Clearly, the Dresher/Conwell et al UV light source would cure the ink.

With regards to claim 1 reciting the UV light source positioned to cure ink, the Dresher/Conwell et al combination UV light/lamp is situated such that it would cure the ink carried on the labels.

With regards to claim 7, the Dresher reference illustrates the light source (20) would have a power source via the electronic controller (26) since these are connected.

With regards to claim 22, the Dresher reference discloses the media sensor system (18) has the ability to selectively control the energization level of the UV light/lamp (column 3 lines 64-66), inherently capable of shifting current density of the UV light/lamp.

With regards to claims 23, the Dresher discloses the electronic controller (26) varies the output of the UV light/lamp based on the feedback provided by detector (22).

With regards to claim 9, the Dresher reference does not a plurality of lamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one UV lights/lamps in the Dresher/Conwell et al combination, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With regards to claims 8 & 10, the Dresher reference does not discloses a filter. The Conwell et al reference discloses a filter (14). Therefore, it would have been obvious to one skilled in the art to include a filter, taught by Conwell et al, as such would filter the light emitted by the UV light/lamp.

With regards to claims 11, 18, and 19, the Dresher reference does not disclose a reflector. The Conwell et al reference discloses a reflector (17) may be positioned within the UV radiation/source (column 4 lines 7-8). Therefore, it would have been obvious to one skilled in

the art to include a reflector, taught by Conwell et al, within the Dresher's UV light source as such would adjust the focal point and intensity of the UV radiation/source. With regards the shape & the material of the reflector, the Conwell et al discloses the recited shape & material in column 3 lines 14-18.

With regards to claim 24, the Dresher reference does not disclose a label sensor. The Conwell et al reference discloses a label sensor (19). Therefore, it would have been obvious to one skilled the in art to include a label sensor, taught by Conwell et al, for purposes of activating the UV light to cure, as such would be a value added feature to the Dresher apparatus in terms of energy savings and as well as energy conservation.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dresher (U.S. Patent No. 6,394,676) modified by Conwell et al (U.S. Patent No. 6,350,071), presented above, and further in view of Borum (U.S. Patent No. 4,111,121). Dresher/Conwell et al, above, discloses the apparatus comprising elements as recited in these claims including a label stock web (14, Figure 3) carrying a plurality of discrete labels (46) thereon but does not disclose the plurality of discreet labels (46) are transported to the take up roll (28) on the conveyor belt or drive belt. Borum discloses in Figure 1 the conveyor belt (33) that transports the labels (20, 20a) from the printing station (14) to the take-up roll (38). Therefore, it would have been obvious to one skilled in the art during the time of the invention to modify the Dresher/Conwell et al combination such that it would include a conveyor belt (33), taught by Borum, disposed between printer head (12) and the take up roll (28) as such would help to maintain the label stock web path in proper order prior to being rolled into the take up roll (28). With regards to these claims

reciting the UV light source positioned over the belt, Figure 1 of the Dresher reference is a schematic illustration of the sensor system (18) which includes the light source (28), however, it would have been obvious to one having ordinary skill in the art at the time the invention was made position the Dresher/Conwell et al UV light/lamp over the conveyer belt, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dresher (U.S. Patent No. 6,394,676) modified by Conwell et al (U.S. Patent No. 6,350,071), presented above, and further in view of Kosterka (U.S. Patent No. 4,410,560). Dresher/Conwell et al, above, discloses the apparatus comprising elements as recited in these claims including a take up roll (28) located at proximate end of label stock web path (14) but does not suggest the take up roll (28) is an off-line rewinder. Kosterka discloses in Figure 1 illustrates a block diagram of a web printing & product process thereof comprising a rewind stand (24) for which the printed web may be rewound onto, a rewind stand (24) of which one skilled in the art would readily recognize as a unit to rewind printed web into rolls after printing. Therefore it would have been obvious to one skilled in the art to the Dresher's take up roll (28) off-line as taught by Kosterka as one skilled in the art found it flexible for an application that would preferable receive the printed web from an off-line applicator/rewinder instead of receiving the printed web from in a take-up unit integrated with the printer for purposes of subsequent & further processing downstream.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dresher (U.S. Patent No. 6,394,676) modified by Conwell et al (U.S. Patent No. 6,350,071), presented above, and further in view of Borgardt (U.S. Patent No. 5,606,914). Dresher/Conwell et al, above, discloses the apparatus comprising elements as recited in these claims including a take up roll (28) located at proximate end of label stock web path (14) but does not suggest the take up roll (28) is enclosed. Borgardt discloses in Figure 1 a wound up roll (82) in a winding enclosure unit (8). Therefore it would have been obvious to one skilled during the time of the invention house the Dresher's take up roll (28), taught by Borgardt, in an enclosure unit (8) as such would protect the finished product from attracting dust. With regards to these claims reciting the UV module is built into the rewinder, it would have been obvious to one having ordinary skill in the art at the time the invention was made to built the Dresher/Conwell et al UV light/lamp into the enclosure unit (8), since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Camtu T. Nguyen/  
Examiner, Art Unit 3772

/Patricia Bianco/  
Supervisory Patent Examiner, Art Unit 3772